

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA GAME COMMISSION,	:	CIVIL ACTION NO. 1:12-CV-1567
	:	
	:	(Chief Judge Conner)
	:	
Plaintiff	:	
	:	
v.	:	
	:	
THOMAS E. PROCTOR HEIRS TRUST and MARGARET PROCTOR TRUST,	:	
	:	
	:	
Defendants	:	

ORDER

AND NOW, this 8th day of May, 2020, following a telephonic conference with all parties on May 7, 2020, during which the court and counsel engaged in a thorough discussion concerning the best method to advance this case to its logical conclusion following denial of the parties' cross-motions for summary judgment, (see Docs. 183, 184), and the court noting that the parties agree to a bench trial regarding outstanding issues of fact¹ relevant to ownership of the subsurface estate of the bellwether Josiah Haines warrant as the most expedient approach, and the court further noting that the parties denied the need for additional discovery as to

¹ The remaining disputed material facts are set forth in detail in this court's April 21, 2020 memorandum. (See Doc. 183 at 29-43). We acknowledge that this agreement is only as to a bench trial and that the Game Commission maintains a continuing objection to the relevance of these factual issues. This relevance issue is specifically noted and it is preserved for appellate review.

this bellwether tract, and the court thus concluding that a limited bench trial is the most appropriate course of action, it is hereby ORDERED that:

1. The court will hold a bench trial as soon as practicable to resolve the outstanding issues of material fact regarding ownership of the subsurface estate of the Josiah Haines warrant.
2. The parties shall meet and confer and jointly propose a schedule for pretrial matters and bench trial in this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania